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MEMORANDUM

ON THE

NORTH-WEST QUESTION.

In order to consider in its true light the question of amnesty to Riel and the other leaders implicated in the North West troubles during the years 1869 and 1870, as it now stands,—we have not to examine whether Riel and his confederates committed acts which call for the condemnation of every loyal subject, but whether, according to the law of nations, those parties are entitled to a general amnesty for all the *deeds by them perpetrated during those troubles, as insurgents and rebels to the authority of the Queen.*

To that end, many things and facts have to be taken into consideration :—

During the rebellion, at the time when the insurgents were under arms and in possession of Fort Garry, and controlled and were ruling the country, Archbishop Taché, who was engaged in Rome at the Œcumenical Council, was called, and induced to proceed to the North-West as envoy and plenipotentiary of Her Majesty's Government, and there to do all in his power to bring the insurgents to submission. For that purpose, he was vested with the powers and authority contained in the letter of the then Governor General of Canada, Sir John Young, dated the 16th February, 1870, of which follows an extract :—

" You are fully in possession of the views of my Government, and the Imperial " Government, as I informed you, is earnest in the desire to see the North-West " Territory united to the Dominion on equitable conditions. I need not attempt to " furnish you with any instructions for your guidance, beyond those contained in the " telegraphic message sent me by Lord Granville, on the part of the British Cabinet, " in the Proclamation" (dated 6th December, 1869) " which I drew up in accordance " with that message, &c."

In the above mentioned Proclamation, after other recitals, Sir John Young, addressing the people of the North-West Territory, says :—" And I do lastly inform " you in the case of your immediate and peaceable obedience and dispersion, *I shall* " *order that no legal proceedings be taken against any parties implicated in these unfortunate* " *breaches of the law.*"

His Lordship was furthermore given a letter from Sir John A. Macdonald, Prime Minister and Minister of Justice, dated the 16th February, 1870, of which the following is an extract :—

" Should the question arise as to the consumption of any stores of goods belong- " ing to the Hudson Bay Company by the Insurgents, you are authorized to inform " the leaders that, if the Company's Government is restored, *not only will there be a* " *general amnesty granted,* but in case the Company should claim the payment for " such stores, that the Canadian Government will stand between the Insurgents and " all harm."

Empowered by these credentials, and by the verbal instructions given him both by the Governor General and by Sir John A. Macdonald and Sir Geo. E. Cartier, in the name of the Canadian Government, the Archbishop left for the North-West,

where he arrived in the first days of March, a few days after the death of Scott. He immediately communicated to the leaders of the insurgents his credentials, namely, Sir John Young's letter and proclamation, and Sir John's letter dated the 16th February. They were then in possession of the whole territory, and had organized what they called a Provisional Government and Legislature, through a popular election in the various French and English parishes in the territory.

After having remonstrated with them, His Lordship, in the name of the Governor General of Canada, made them several promises if they would lay down arms and submit to the Canadian authority, and more particularly promised a general amnesty to all parties implicated in the insurrection, for what they had done as insurgents up to that time, *including the shooting of Scott.*

Relying on a promise thus made by a man of such a standing as Archbishop Taché, on the authority of the credentials he exhibited to them, and on the verbal instructions he told them he had received on leaving Ottawa, the insurgents determined to submit to Canadian authority, declaring at the same time they had never intended to break their allegiance to the Crown, but that they would not be forced into the Canadian Confederation without being consulted and without being granted the same rights and privileges as were enjoyed by other portions of the Dominion. His Lordship answered that the Government of Canada were ready to consider their propositions, and that they had only to send delegates to Ottawa to agree upon the terms of their entering the Union; and he stated to them that if they did so *they would be amnestied from the first to the last, and he promised so in the name of Her Majesty.*

The insurgents yielded to his entreaties, and sent delegates to Ottawa with written instructions, wherein the granting of a general amnesty, as promised by Archbishop Taché, envoy and representative of the Government of Canada, was made the *sine qua non.*

The delegates were received as the delegates of the people of the North-West, and had several interviews with Sir John A. Macdonald and Sir Geo. E. Cartier, who had been specially authorized by the Government to confer with them on the subject of their mission. They communicated to those Ministers the instructions given to them by those who had sent them. After several interviews an agreement was made, and resolutions adopted which were embodied in the Manitoba Act.

Delegates Ritchot and Scott state in their evidence that, as a general amnesty was the *sine qua non* of the understanding, it was promised both by Sir John and Sir George.

After the Manitoba Act was passed, the delegates returned home and stated to the leaders that a general amnesty had been agreed to as promised by Archbishop Taché, and would be granted.

Before leaving, Father Ritchot, one of the delegates, fearing that the leaders of the insurgents would yet entertain doubts as to the execution of the promise of amnesty, wrote to Sir George E. Cartier a letter in which he said:—"The questions "raised by the 19th clause of our instructions" (that clause was the one relating to the granting of the amnesty) "are of the highest importance; I trust, sir, and the "past is my warrant for the future, that you will be able to secure us, before our "departure, all the guarantees promised by Sir John and you in relation to those "highly important questions."

On receiving that letter, Sir George E. Cartier went to Messrs. Ritchot and Scott, two of the delegates, and took them to His Excellency the Governor General, where the question was discussed, and the next day he sent the following answer to Mr. Ritchot's letter:—"I desire to call your attention to the interview you had with

"His Excellency the Governor General, at which I was present, and in which His "Excellency was pleased to state that the *liberal policy* which the Government pro- "posed to follow in *relation to the persons for whom you interest yourself is correct*, and is "that which ought to be adopted."

At an interview with Sir George, before their departure, the delegates Richot and Scott (Mr. Black had left for Scotland), asked him who was to govern the Country until the arrival of the Canadian authorities. He told them that Riel should do it.

When these two delegates reached Fort Garry, they reported to Riel and his friends, the leaders of the insurgents, what had been done; they told them that the condition of a general amnesty had been agreed to, as promised by Archibishop Taché, and that it would be proclaimed under Her Majesty's own signature, within the strict delays necessary to get it from England. They added that up to the arrival of the Canadian authorities, Riel and his Provisional Government should "keep power and maintain order." The insurgents, confident in those declarations, kept possession of Fort Garry up to the arrival of the troops sent by the Canadian Government, and then immediately dispersed and laid down arms as agreed to.

It is maintained by certain people that, notwithstanding all the above and other evidence to be found in the Blue Book, there is no proof that an amnesty has been promised to all parties having taken part in the North West insurrection, for all the deeds perpetrated by them as insurgents. Let us examine by comparing the evidence, the value of such an opinion.

On the one hand, we have the following authorities:

1. Archibishop Taché states he said to Sir John A. Macdonald, before leaving for the North West: "This is all very well, but there have been acts committed "which are blameworthy, and there may be some other before my arrival there: "may I promise them an amnesty?" He answered me: "Yes, you may promise "it to them." It was then that Sir John A. Macdonald wrote me the letter dated "16th Feby, 1870."

2°. Father Richot says that, when he arrived at Ottawa as a delegate, "The "Ministers said in reply to our question, that they were in a position to assure us "that an amnesty would be granted immediately after the passing of the Manitoba "Bill."

3°. Alfred A. Scott says, in his petition to Her Majesty:

"That on the day and at the hour appointed, the negotiations were opened and "that the delegates of the North West declared to the Honorable Members of the "Cabinet of Ottawa, that in conformity with their instructions, they could not come "to any agreement unless a general amnesty should be granted for the illegal acts "which might have been committed by any of the parties concerned in the troubles "that had occasioned the actual delegation.

"That the Honorable Sir John A. Macdonald and Sir George E. Cartier, declared "to the delegates that they were in a position to assure them that such was the "intention of Your Majesty, that they could consequently proceed with the negotia- "tions, being satisfied that the Royal Prerogative of mercy would be exercised by "the grant of a general amnesty."

4° Hon. Joseph Royal says:

"In the interview referred to, I said to Sir George, I intend to go to Manitoba "if the amnesty is to be proclaimed.

" He advised me very strongly to go, for several reasons. He enquired if I had " seen Riel. He told me to tell Riel, and write to him, ' *L'amnestie est une affaire* " ' *decidé, c'est une affaire faite.*' He stated that it was a settled affair; ' that the " ' thing was done.'

" He expressly asked me to inform Riel of this, and to write to him if I could " not see him."

5° Hon. M. A. Girard says :

" As one of the Ministers of the Province, and feeling that it would be impos- " sible to do much good in the Province without an amnesty, I wrote to Sir George " Cartier, whom I regarded as one of my particular friends, on two or three differ- " ent occasions, drawing his attention to that amnesty, and the promise that, I under- " stood from the whole of the people, had been made of an amnesty. In these letters " I described the condition of the country, and urged strongly upon Sir George the " necessity for an amnesty.

" I received answers to several of these letters—I think to all of them. His " answer was to request me to be sure that the amnesty would come. ' *Soyez certain* " ' *que l'amnestie viendra avant long temps.*' Tell your people to remain quiet and keep " order.

" I wrote to Sir George as well in my capacity of a Minister as the sole re- " presentative of the French element; and also as friend. I have not those answers " from Sir George here; they are at Winnipeg. In these letters to me he remarked " also when recommending quiet, that the enemies of the people would be gratified if " they put themselves in the wrong by acting otherwise, and so deprive themselves " of the benefit of their position. He desired me to tell them to adhere to their " duty and that the amnesty would inevitably come."

6° Major Futvoye says :

" I am Deputy of the Minister of Militia and Defence. I have filled that office " since Confederation.

" I was present at a meeting between Sir George Cartier and Father Ritchot on " 19th May, 1870, or thereabouts, when Sir George told Father Ritchot this : ' *Je* " ' *guarantis que vous aurez tout ce que vous avez demandé.*' I did not hear the conversa- " sation which had preceded this expression, nor was anything said afterwards dur- " ing the same interview further. It was at the close of a long interview between " them when I was called in and heard these words.

" Father Ritchot came from Sir George's direct into my room, which was al- " most adjoining, and told me that Sir George had guaranteed that an amnesty for " all the past should be granted as soon as it could possibly be obtained.

" After Father Ritchot had left me I went into Sir George's room, when he told " me that he had promised all that the delegates requested, and he hoped that every- " thing was finally settled.

" He asked me if Father Ritchot was satisfied, and I told him that he assured " me that the promises made by Sir George were quite satisfactory. This interview " was early in the day, and, I presume, before any audience of the Governor on that " day."

These six gentlemen all agree in their evidence that the amnesty was promised both by Sir John A. Macdonald and Sir Geo. E. Carter, in the name of the Canadian Government.

On the other hand, we have the denial of the two latter gentlemen.

In order to properly appreciate this conflicting evidence as to the promise made to Archbishop Taché, before he left as delegate on behalf of Canada, and to Messrs. Ritchot and Scott, as delegates from people of the North-West, it must be borne in mind that at the time when the insurgents took arms and got possession of Fort Garry, there was great excitement. The Fenians had twice invaded our territory, and thereby caused a large amount of expenditure both in time and money. There was fear in England and here that we might be called to suffer a considerable loss in lives and in money, and perhaps be dragged into a war, not only with the Half-breeds, who were but few in number, but with the Indian tribes of the Prairies, to which the insurgents were related by blood and language,—and with the Fenian Organization, which was making every effort to raise trouble on this side of the American line. It was believed by everybody that if we once got into war with the people of the prairies, no one could foretell the end of it, on account of the immense extent of the North-West territories, and that we would be exposed to the same endless sacrifices which the United States had to suffer so many years, on account of the Indians of their Western Territory.

The Imperial Government itself, to a certain extent, shared this apprehension. Since Sir Clinton Murdock was instructed to watch the proceedings on its behalf, and Lord Grenville deemed it necessary to send the telegraphic despatch referred to by the Governor-General, &c., &c., &c.

Such being the general impression, and the Canadian Government being advised by the Imperial Authorities to make every effort towards the settlement of the difficulty, is it not most probable and likely that Archbishop Taché, when sent to the North-West, received the authority he was asking, and which every one concerned must have considered as essential for the success of his mission, namely, the power to promise the granting of an amnesty? That conclusion must also be arrived at if we consider the effect and extent of the general authority in the *carte blanche* given to him by the Governor-General's letter, and by that of Sir John A. Macdonald dated the 16th February, 1870.

We have also the several letters of Sir Geo. E. Cartier, and his declarations to Messrs. Girard, Royal, Ritchot and Futvoye, all of which go to establish that the promise of amnesty had been made, and which fully corroborate the evidence of Archbishop Taché. Is it to be supposed that if the promise of an amnesty, as stated by Archbishop Taché, had not been made by Sir John A. Macdonald, that he would have submitted to the allegations contained in several of his Lordship's letters? that he would have given money for Riel and Lépine? that he would have approved Lieutenant-Governor Archibald and his minister, Mr. Girard, when they made the same promise? And when Mr. Archibald accepted Riel's services to repel the Fenians, can we suppose that Sir John would have rewarded him by giving him a more important position than the one he then held, if Mr. Archibald had done so without Sir John's knowledge and consent? Decidedly no! To sum up, from the reasons, then existing, which would have induced any Government to do all in their power to put down that insurrection, and from Sir John's conduct from beginning to end, it is evident that, as alleged by Archbishop Taché and Messrs. Ritchot and Scott, the promise was duly made both before and at the time the delegates came here.

But now let us suppose for one moment that, when Archbishop Taché went to the North-West as the representative of Canada, he was not authorized by the Government of the day to make the promise he has made, would the question be changed?

The following facts are undeniable:—

Archbishop Taché, as our plenipotentiary, and as representing the Governor and the Government of Canada, made to the insurgents the promise of a full and general amnesty, in the very terms mentioned in his evidence.

That promise was officially notified to the Canadian Government by his letters, bearing date the 11th March, 7th May and 9th June, 1870.

He had never been disavowed or publicly disapproved, but on the contrary, he was thanked for having done what he had done.

For and in consideration of that promise of amnesty, the insurgents sent delegates to Ottawa, to whom the promise was renewed, at least by Sir Geo. E. Cartier who, together with Sir John A. Macdonald, had been empowered by the Cabinet to negotiate with those delegates, and who, in the absence and during the illness of Sir John, acted alone, and, as his Excellency Lord Dufferin says, as *locum tenens* of the Prime Minister.

The renewal of such promise by Sir Geo. E. Cartier was within the knowledge of Sir John A. Macdonald, for he says in his evidence: "In the conversations be-"tween Sir George and Father Ritchot, they were moving on different planes; Sir "George, referring to the amnesty, exclusive of the persons charged with the death "of Scott, and Father Ritchot always including them."

The leaders of the insurgents have executed their share of the agreement, and that which was the consequence of the promise of amnesty, and the Government have taken advantage of that promise and of its results.

According to the principles of International law, which applies as well to insurgents as to a foreign nation or power, the Government of Her Majesty is bound to fulfil the promise made to Archbishop Tache and grant a general amnesty, because it has taken advantage of the treaty made with Archbishop Tache, with or without proper authority. All the authors on International law, both French and English, concur in this.

Let us first refer to *Vattel* (Book II., Chap. XIV., S. 208): "If a public person, "an ambassador, or a general of an army, exceeding the bounds of his commission, "concluded a treaty or a convention without orders from the sovereign, or without "being authorized to do it by virtue of his office, the treaty is null, as being made "without sufficient powers: it cannot become valid without the express or tacit ratification of the sovereign. The express ratification is a written deed by which the "sovereign approves the treaty and engages to observe it. The tacit ratification is "implied by certain *steps which the sovereign is justly presumed to take only in pursuance "of the treaty, and which he could* not be supposed to take without considering it as "concluded and agreed upon." * * *

And again, same book and chapter, s. 212: "We have shown that a State cannot "be bound by an agreement made without her orders, and without her having "granted any power for that purpose. But is she absolutely free from all obliga-"tion? That is the point which now remains for us to examine. If matters as yet "continue in their original situation, the State or the sovereign may simply dis-"avow the treaty, which is, of course, done away by such disavowal and becomes as "perfect a nullity as if it had never existed. But the sovereign ought to make "*known his intentions as soon as the treaty comes to his knowledge;* not, indeed, that his "silence alone can give validity to a convention which the contracting parties have "agreed to consider as valid without his approbation; *but it would be a breach of good "faith in him to suffer* a sufficient time to elapse for the other party to execute, on his "side, an agreement which he himself is determined not to ratify."

And further, Book III., Chap. XVIII., S. 291: "In many cases the safest, and, "at the same time, most just method of appeasing sedition, is to give the people "satisfaction. And if there existed no reasons to justify the insurrection (a circum- "stance, which, perhaps, never happens), even in such a case, it becomes neces- "sary, as we have above observed, to grant an amnesty where the offenders are nu- "merous. When the amnesty is once published or accepted, all the past must be "buried in oblivion; nor must any one be called to account for what has been done "during the disturbances: and, in general, the sovereign, whose word ought ever "to be sacred, is bound to the faithful observance of every promise he has made, "even to rebels—I mean to such of his subjects as have revolted without reason or "necessity. If his promises are not inviolable the rebels will have no security in "treating with him: when they have once drawn the sword they must throw away "the scabbard, as one of the ancients expresses it; and the prince, destitute of the "more gentle and salutary means of appeasing the revolt, will have no other re- "maining expedient than that of utterly exterminating the insurgents. These will "become formidable through despair; compassion will bestow succours on them, "their party will increase, and the State will be in danger. What would have be- "come of France if the leaguers had thought it unsafe to rely on the promises of "Henry the Great? *The same reasons which should render the faith of promises inviolable "and sacred between individual and individual, between sovereign and sovereign, between "enemy and enemy, subsist in all their force between the sovereign and his insurgent or rebel- "lious subjects.*."

Also Book V, ch. VI, Act 44.

"Upon a scrupulous fidelity in the observation of treaties, not merely in their "letter, but in their spirit, obviously depends, under God, the peace of the world "*Pact a sunct servanda* is the pervading maxim of International, as it was of Roman "jurisprudence."

And again, *loc. cit.*, Art. 50:

"The consent may be signified in various ways. Some jurists have asserted "that the delaration of consent must be specified in writing; but, though "this be the usual and most convenient mode, it cannot be said to be indispensable "to the validity of the Treaty."

Wheaton (Elements of International Law, Part III. S. 253) says:

"No particular form of words is essential to the conclusion and validity of a "binding compact between nations. The mutual consent of the contracting parties "may be given expressly or tacitly, and in the first case, either verbally or in writ- "ing. It may be expressed by an instrument signed by the plenipotentiaries of "both parties, or by a declaration, and counter-declaration, or in the form of letters "or notes exchanged between them. But modern usage required that verbal agree- "ments should be, as soon as possible, reduced to writing in order to avoid disputes; "and all mere verbal communications, preceding the final signature of a written con- "vention, are considered as merged in the instrument itself. The consent of the "parties may be given tacitly, in the case of an agreement made *under an imperfect "authority, by acting under it as if duly concluded.*"

Also *loc. cit.* s 255: "Such acts or engagements, when made without authority, "or exceeding the limits of the authority under which they purport to be made, are "called *sponsions.* These conventions must be confirmed by express or tacit ratifica- "tion. The former is given in positive terms, and with the usual forms; the latter "is implied from the fact of acting under the agreement as if bound by its stipula- "tions. Mere silence is not sufficient to infer a ratification by either party, in order "to prevent the latter from carrying its own part of the agreement into effect. If,

"however, it has been totally or partially executed by either party, acting in good "faith upon the supposition that the agent was duly authorized, the party thus act- "ing is entitled to be indemnified or replaced in his former situation."

Also, part IV, s 399: Grotius has devoted a whole chapter of his "great work to prove, by the consenting testimony of all ages and nations, that "good faith ought to be observed towards an enemy. And even Bynkershoek, who "holds that every other sort of fraud may be practised towards him, prohibits per- "fidy, upon the ground that his character of enemy ceases by the compact with him "so far as the terms of that compact extend. 'I allow of any kind of deceit, says "he, perfidy alone excepted, not because anything is unlawful against an enemy, "but because when our faith has been pledged to him, so far as the promise extends "he ceases to be an enemy.' Indeed, without this mitigation, the horrors of war "would be indefinite in extent and interminable in duration. The usage of civilized "nations has therefore introduced certain *commercia belli*, by which the violence of "war may be allayed, so far as is consistent with its objects and purposes, and "something of a pacific intercourse may be kept up, which may lead, in time, to an "adjustment of differences, and ultimately to peace."

And again, *loc. cit.*, s. 544: "If an abstract right be in question between the "parties, on which the treaty of peace is silent, it follows that all previous com- "plaints and injury, arising under such claim, are thrown into oblivion by the *am-* "*nesty*, necessarily implied, if not expressed; but the claim itself is not thereby "settled either one way or the other."

Woolsey (Introduction to the study of International Law, s. 107) says: "..... "But Bynkershoek defended another opinion which is now the received one among "the text-writers, and which Wheaton has advocated at large with great ability. "If the minister has conformed at once to his ostensible powers and to his secret in- "structions, there is no doubt that in ordinary cases it would be bad faith in the "sovereign not to add his ratification. But if the minister disobeys or transcends "his instructions, the sovereign may refuse his sanction to the treaty, without bad "faith or ground of complaint on the other side. But even this violation of secret "instructions would be no valid excuse *for the sovereign's refusing to accept the treaty*, "*if he* should have given public credentials of a minute and specific character to his "agent; for the evident intention in so doing would be to convey an impression to "the other party that he is making a sincere declaration of the terms on which he "is willing to treat."

Speaking of civil war, he says (s. 136): "The same rules of war are required "in such a war as in any other—the same ways of fighting, the same treatment of "prisoners, of combatants, of non-combatants and of private property by the army "where it passes: so also natural justice demands the same veracity and faithfulness "which are binding in the intercourse of all moral beings.

"Nations thus treating rebels, by no means concede thereby that, they form a "State, or that they are *de facto* such. There is a difference between belligerents "and belligerent States which has been too much overlooked.

"When a war ends to the disadvantage of the insurgents, municipal law may "clench the nail which war has driven, may hang, after legal process, instead of "shooting, and confiscate the whole instead of plundering a part. But a wise and "civilized nation will exercise only so much of this legal vengeance, as the interests "of lasting order imperiously demand."

At s. 146, he says: "The possibility of intercourse in war depends on the con- "fidence which the belligerents repose in each other's good faith, and this confi- "dence, on the unchangeable sacredness of truth. Even Bynkershoek, who allows

"every kind of violence and every kind of craft, has to say, in words already cited, "'ego quidem omnem dolum per.nitto, sola perfidia excepta.' That faith shou be "kept with heretics has been denied, but no one has maintained that it is not to be "kept with enemies.

"Such being the undoubted principle of obligation in war as well as in peace, "war is enabled to put on a milder form, for that reason, and to interrupt its vio- "lence for a time, either towards particular persons or entirely. * * *

And again (s. 153): "The effect of a treaty on all grounds of complaint for "which a war was undertaken, is to abandon them; or, in other words, all peace "implies *amnesty* or oblivion of all past subjects of dispute, whether the same is "expressly mentioned in the terms of the treaty or not. They cannot in good faith "be revived again, although a repetition of the same acts may be a righteous "ground of a new war. An abstract or general right, however, if passed over in a "treaty, is not thereby waived."

Now, if the rules laid down by those writers are to be taken as law, as undoubtedly they are, because they are adopted by all writers on the subject, and more particularly because they are based upon justice and equity, could it be pretended that a general amnesty is not *due* to all parties implicated in the North-West difficulties!

Have those parties a right to claim it?

Is it not true:

1. That they were assured, by the representative of the Government, that the amnesty would be granted on certain conditions?

2. That that fact was communicated to the Government of Canada, which acted on it and benefited by it?

3. That the least that can be said, is, that the delegates of those parties, and through them the insurgents themselves, were made to believe that if they would do as they have afterwards done, they would get amnesty without restriction?

4. That the stipulated conditions have been fulfilled by the insurgents and accepted by the Government?

There can but be an affirmative answer to each of these questions.

Lt.-Governor Archibald states in his evidence: "The people were undoubtedly "convinced that there was to be an amnesty. I could not form any conclusion as "to whether or not the people would have taken a different line if they had not "been satisfied that there was to be an amnesty."

In their address to Lieutenant-Governor Archibald, the inhabitants of the parish of St. Norbert said: "Your Excellency will nevertheless allow us to say that we "must not conceal from you that an essential feature is still wanting; we, never- "theless, expect it with confidence, seeing that it has been *promised us by men whose "words were never spoken in vain.* Your Excellency in person has assured us that all "that has been guaranteed by treaty cannot but be granted."

Do not all the facts and circumstances prove the conviction and belief of those parties?

Another reason why, according to all laws, a general amnesty should be granted is that Mr. Archibald, as Lieutenant-Governor of Manitoba and Her Majesty's representative during the Fenian invasion of October, 1871, accepted the services of Riel and other leaders of the insurrection, to organize their compatriots, over whom they were known to have an immense influence. He exchanged correspondence with them, promised them protection if they would help to repel the Fenians, and after

they had brought their friends together, he met them, congratulated them, shook hands with them, and enlisted them to serve against an enemy of Her Majesty who was then invading the country. He communicated all those facts to the Canadian Government by his memorandum, No. 90.

Referring to the matter in his evidence, he says: "On looking back, I see "nothing in the course I took that gives me any doubt as to its correctness. I "would take it again under the like circumstances. If *the Dominion have at this mo-* "*ment the Province to defend, and not one to conquer, they owe it to the policy of for-* "*bearance,*" etc.

Now, can it be maintained that after Her Majesty's Government had requested and accepted the services of these men, whose conduct, in those days of excitement, prevented a large portion of the North-West population from joining the invaders, and thus contributed to discourage and repel the enemy, and "*to keep that Province in the Domain of Her Majesty,*" according to Mr. Archibald's own expression,—that they are still to be treated as rebels, and refused an amnesty which has already been promised to them? I cannot believe it; such a policy would be unprecedented in the history of England, and, in my opinion, a misfortune.

When Lord Kimberley sent his despatch of the 24th of July, 1873, offering, in the name of the Imperial Government, to issue a proclamation not applying to all the parties implicated in those troubles, he, undoubtedly, considered the case as an ordinary one, and, like many Canadians, had no knowledge of the facts disclosed by the Report of the Committee of the House of Commons on the North-West difficulties; for had he known such facts, he would certainly have acted otherwise. I have no doubt that it is the duty of the Canadian Government to submit that evidence to the Imperial Government, and to recommend the adoption of the policy to which Canada has been pledged by the acts of her representatives. I doubt not that, after full information of all the circumstances, the Imperial Government will find it their duty to proclaim a general amnesty, extending to all parties implicated, and covering all acts perpetrated by them as insurgents in the North-West disturbances during the years 1869 and 1870, without exception or restriction, for the above mentioned reasons.

Moreover, it appears, both from the evidence of many of the English settlers before the Committee, and from the addresses unanimously adopted by the two Houses of the Manitoba Legislature, in their session of 1872, and upon which is based their petition to Her Majesty,—that the two races and the inhabitants of Manitoba generally, understand that an amnesty was promised, and are anxious that the matter should be definitively settled, and, as they say in their petition, *that all questions connected with those troubles should be set at rest.*

In my opinion, and under the present circumstances, this is a strong additional reason in favor of the granting of a general amnesty, even as a mere question of policy.

OTTAWA, 1st October, 1874.